

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MIKE SERNA,

Plaintiff,

v.

No 1:22-cv-00852-DHU-JMR

BBVA USA, a/k/a
BBVA COMPASS BANK, a/k/a
PNC BANK,

Defendant.

MEMORANDUM OPINION AND ORDER OVERRULING OBJECTION

The Court dismissed this case for lack of subject-matter jurisdiction on April 18, 2023. *See* Doc. 21 (“Dismissal Order”). After discussing the Court’s power to impose filing restrictions and describing *pro se* Plaintiff’s filing history, the Court ordered Plaintiff to show cause why the Court should not impose proposed filing restrictions stating “[t]he Court finds that filing restrictions are appropriate so that the Court does not expend valuable resources addressing future such cases that revisit issues the Court has previously addressed.” Dismissal Order at 8. The Court also notified Plaintiff that if he does not timely file objections, the proposed filing restrictions will take effect 21 days after entry of the Dismissal Order. *See* Dismissal Order at 10.

Plaintiff filed a Response to the Order which questioned the correctness of the dismissal of the case but did not object to or otherwise address the filing restrictions the Court proposed imposing on Plaintiff. *See* Response to April 18, 2023, Memorandum Opinion Order of Dismissal and to Show Cause Regarding Filing Restrictions, Doc. 28, filed April 27, 2023. Plaintiff did not file a separate document objecting to the proposed filing restrictions by the May 9, 2023, deadline.

The Court imposed filing restrictions on May 31, 2023. *See* Order Imposing Filing Restrictions, Doc. 33.

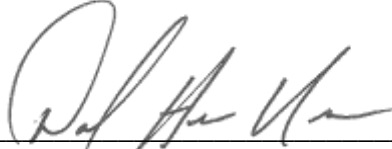
Plaintiff then filed his Objection to the Order Imposing Filing Restrictions which states: “The Plaintiff ‘Does Not Have an Abusive Filing History.’” Doc. 34 at 1, filed June 21, 2023 (“Objection”). The Objection discusses the merits of the underlying state-court case, asserts this Court has jurisdiction, and states:

This Court thinks that I am abusive when filing against individuals that Violate the Constitution, and take my Property that I worked so hard for all My Life?! This is the United States NOT Russia! . . . It would be “UnConstitutional to barr [sic] any of my filings to defend myself from Injustice, fraud, and theft.

Objection at 3-4. The Objection does not otherwise address the Court’s description of Plaintiff’s abusive filing history or the imposition of filing restrictions. *See* Dismissal Order at 7-8.

The Court overrules Plaintiff’s Objection because Plaintiff has not shown that: (i) the Court’s description of Plaintiff’s filing history is erroneous; or (ii) shown that the Court erroneously imposed filing restrictions.

IT IS ORDERED that Plaintiff’s Objection to Order Imposing Filing Restrictions, Doc. 34, filed June 21, 2023, is **OVERRULED**.



HON. DAVID HERRERA URIAS
UNITED STATES DISTRICT JUDGE